

EXHIBIT 145

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF ELLEN KENNEDY

I, Ellen Kennedy, declare as follows:

1. I am President of Berkshire Community College (“College”), a public institution of higher education located in Pittsfield, MA. I have held this position since 2012. Prior to my current role, I served as the Interim President at Berkshire Community College.

2. Presently, I also serve as the Chair of the Massachusetts Community Colleges’ Presidents’ Council (“Council”). The Council is comprised of the fifteen Massachusetts Community College Presidents.

3. The Massachusetts Community College System (“System”) is the largest segment of public higher education in the Commonwealth of Massachusetts and enrolls over 184,000 credit and non-credit students and offers 823 associate degree and 531 certificate programs. The System includes Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, Northern Essex Community College, North Shore Community College, Quinsigamond Community College, Roxbury Community College, and Springfield Technical Community College.

4. I have either personal knowledge of the matters set forth below or, with respect to those matters for which I do not have personal knowledge, I have reviewed information gathered from College and System records.

5. The Massachusetts Community Colleges’ core values include a commitment to equal opportunity, inclusion, accessibility, and diversity. Our Colleges offer vibrant learning environments that welcome diverse people, ideas, and perspectives. Consequently, we welcome all applicants regardless of citizenship status, including undocumented students and those granted Deferred Action for Childhood Arrivals (“DACA”).

6. The Massachusetts Community Colleges are proud to welcome DACA and undocumented students and recognize that many DACA and undocumented students must overcome enormous challenges to gain acceptance. Their commitment to attend and graduate from a Massachusetts Community College speaks to their resilience and determination. Our Colleges take pride in the diversity of our communities and DACA and undocumented students bring critical perspectives, insights and experiences to our academic and campus life. For example, Rose [not her real name] is from Brazil. She came to the U.S. with her mother when she was 11 years old. Although she spoke not a word of English when she arrived, she graduated from high school as an honors student. Until DACA was implemented in 2012, Rose could not attend college because of her undocumented status. In 2013, she enrolled at a Massachusetts Community College. As she waited for the opportunity to begin college, she completed some certification programs to learn new skills and volunteered at her church,

working with younger children and providing translation services. Once enrolled, she took as many courses as she could afford, while working 20 hours per week. She received a Community College Foundation scholarship and completed her associate degree in engineering, with High Honors, in 2017. Her goal is to obtain further higher education in pursuit of a career in chemical engineering. If DACA is rescinded, she could be forced to return to Brazil and the U.S. would have lost a talented and promising engineer. Another student, Sara [not her real name], came to the U.S. from El Salvador at the age of 11 years. Sara was a victim of sexual abuse and because her mother lacked education and was extremely poor, she knew she could not protect Sara in their home village, forcing them to escape to the U.S. After graduating from high school in 2009, Sara worked multiple jobs to save money for college, being paid as little as \$2.00 – \$3.00/hour because of her undocumented status. She still managed to save enough to enroll at a Massachusetts Community College in 2014 and was awarded a Community College Foundation scholarship in 2016, enabling her to complete her degree in June of 2017. She earned a 3.7 GPA and was a member of the Phi Theta Kappa Honor Society. Sara's educational aspiration is to obtain further higher education in political science. Her passion for politics comes from her experience in El Salvador where she witnessed how the lack of education, violence and high levels of poverty force people to emigrate. If she is forced to return to El Salvador, she will be in danger from the man who abused her years ago, and all that she has invested in herself may be lost.

7. Since the DACA program went into effect in 2012, many colleges and universities, including the Massachusetts Community Colleges, have seen the critical benefits of this program for our students and the positive impacts on our institutions.

8. Terminating the DACA program will have a negative impact on the Massachusetts Community Colleges, our students, and faculty. DACA recipients enrolled at the Massachusetts Community Colleges are eligible for in-state tuition and various scholarships. With the rescission of DACA, many students who have already enrolled will not be able to afford to continue their education, and will forego the opportunity of attending a Massachusetts Community College. Further, the loss of employment authorization will deprive these students of the economic advantages, which would have allowed them to gain a foothold on the path to economic independence.

9. Additionally, any program that requires employment authorization to complete elements of the program will be severely impacted. The inability to work may, in certain circumstances, prevent a DACA student from meeting the academic requirements of their degree programs.

10. If new DACA students do not enroll, the Massachusetts Community Colleges will lose the benefit of the special contributions and perspectives that these special young people bring to our campus communities as both students and alumni. If current DACA students are forced to drop out, Massachusetts Community Colleges will lose the value of the financial assistance and the other resources our institutions have invested in educating these students, who ultimately are not able to graduate.

11. The Massachusetts Community Colleges will suffer additional tangible harms if the DACA program is terminated. We have already begun to experience disruption as a result of the uncertainty over the program's future and are preparing for the likelihood of increased institutional funds needed to help DACA students meet loss of educational opportunities and employment.

12. Massachusetts Community Colleges have designated dedicated staff members who manage communications and services for our DACA students. In addition, among other things, our institutions have had to create internal communication structures for alerting senior leadership and management of various immigration changes with task forces closely monitoring executive actions, initiating outreach to the campus community that protects confidentiality and privacy concerns, and identifying institutional needs and resources.

13. To the extent the Massachusetts Community Colleges employ any non-student DACA recipients, if the program is terminated, we can no longer employ these individuals and we will lose their services and the value of our investment in them and will incur additional costs to hire and train replacements.

14. By eliminating the important protections granted under the DACA program, these students will no longer have protection against deportation due to their undocumented status. As a result, they will experience the constant fear of deportation, hardships from limited employment opportunities and great uncertainty about their future.

15. Finally, the chilling effect associated with the rescission of DACA provokes anxiety among foreign born students, regardless of status, and communicates an intentional rejection of a global world view that runs contrary to the Vision, Mission and Values of the Massachusetts Community Colleges. Further, it is a chilling effect that stops short the entrepreneurial spirit and the commitment to workforce development that the Community Colleges have been asked to foster. This chilling effect is detrimental to the future of the Massachusetts Community Colleges and our collective work.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of September 2017



Ellen Kennedy, President
Berkshire Community College
Chair, Massachusetts Community Colleges' Presidents' Council